

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is October 22, 2008, unless otherwise listed.
(Temp & Prop) indicates that the Rule is both Temporary and Proposed.
(*PH) indicates that a Public Hearing has been scheduled for this docket.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE

P.O. Box 790, Boise, ID 83701-0790

02-0104-0801, Rules Governing the Idaho Preferred® Promotion Program. Defines product qualifications for meats; removes duplicate sample submission language required for logo use.

***02-0403-0801, Rules Governing Animal Industry.** (*PH) Incorporates by reference the USDA's EVA Uniform Methods and Rules that outline biosecurity procedures for EVA, a viral disease of equids; adds EFA and a new form of equine herpes virus to State Veterinarian's Reportable Disease List; updates other documents incorporated by reference; defines ponies and zebras as equidae.

02.04.21 - Rules Governing the Importation of Animals

02-0421-0801, Updates and clarifies the import requirements for Canadian cattle and bison imported into Idaho including individual animal identification, CAN branding and import permit requirements.

***02-0421-0802, (*PH)** Incorporates by reference the USDA's EVA Uniform Methods and Rules that outline biosecurity procedures for EVA, a viral disease of equids; updates other documents incorporated by reference; adds a method of genetic purity verification to the options for imported domestic cervidae; adds additional required documents for certification of the health of imported fish.

***02-0427-0801, Rules Governing the Importation of Animals.** (*PH) Clarifies criteria and requirements for possessing and importing deleterious exotic animals; adds the following to the rule: definitions, requirements for obtaining permits, standards for construction of confinement areas, identification requirements, and record keeping requirements; amends the Deleterious Exotic Animals list.

***02-0609-0801, Invasive Species Rules.** (*PH) New chapter determines which species are invasive in Idaho and establishes procedures for testing, sampling, inspection, certification, permitting, compliance verification and recordkeeping.

IDAPA 03 - STATE ATHLETIC COMMISSION

1109 Main St. Ste. 220, Boise, ID 83702

03-0101-0801, Rules of the State Athletic Commission. Sets forth requirements for martial arts and mixed martial arts contests and outlines safety standards for combatants.

IDAPA 06 - IDAHO BOARD OF CORRECTION

1299 N Orchard St., Suite 110, Boise, ID 83706

06-0101-0801P, Rules of the Board of Correction. Notice of Proposed Proclamation updates rules to reflect current IDOC standards, practices, policies, and Board directives. (Rule effective 10-31-08)

IDAPA 07 - DIVISION OF BUILDING SAFETY

1090 E. Watertower St., Meridian, ID 83642

07-0203-0802, Rules Governing Permit Fee Schedule. Provides for a permit fee for installing and inspecting gray and reclaimed water systems.

07-0205-0801, Rules Governing Plumbing Safety Licensing. Prohibits anyone from advertising to provide plumbing services who does not have a valid certificate (license); defines what activity constitutes advertising; requires those with a valid license to include their certificate of competency number in the advertisement.

07-0303-0801, Rules for Modular Buildings. Enumerates the actions that may subject manufacturers of modular buildings in Idaho, and others who may install them in Idaho, to civil penalties for violations of state law.

07-0501-0802, Rules of the Public Contractors License Board. Establishes financial and documentation requirements for Class Unlimited license applications; adds an exemption to bid cost requirements for Class Unlimited licenses.

07-0701-0802, Rules Governing Installation of Heating, Ventilation, & Air Conditioning Systems. Removes the color limitation on inspection tags by allowing a single sticker to be used for multiple inspections from multiple trades and allows flexibility in the placement of the tags.

IDAPA 08 - STATE BOARD OF EDUCATION/DEPARTMENT OF EDUCATION

PO Box 83720, Boise, ID 83720-0037

08-0104-0801, Rules Governing Residency Classification. (Temp & Prop) Clarifies additional factors for establishing residency for tuition purposes at Idaho public postsecondary institutions.

08.02.02 - Rules Governing Uniformity.

***08-0202-0803, (*PH)** Updates incorporation by reference of the Standards for Idaho School Buses and Operations and the Idaho Standards for the Initial Certification of Professional School Personnel.

***08-0202-0804, (*PH)** Outlines procedures for certification to teach American Indian languages which include fingerprinting and a criminal history check.

***08-0202-0805, (*PH)** Increases the time for required field experience to be in a K-12 setting at all grade levels for the school counselor endorsement; increases the minimum number of hours to 1,200 for the required internship for school psychologist endorsement.

***08-0202-0806, (*PH)** Adds additional routes for endorsements for teachers through 3 options including traditional coursework through a college or university, National Board certification and through testing or assessment.

***08-0202-0807, (*PH)** (Temp & Prop) Adds definitions; outlines process for obtaining required criminal history checks for applicants for certification, school district employees, substitute teachers, student teachers and individuals who have unsupervised contact with students in a K-12 setting.

08.02.03 - Rules Governing Thoroughness.

***08-0203-0803, (*PH)** Implements the State Longitudinal Data System that assigns a unique student identifier to improve student tracking, identify trends, and provide accurate enrollment and demographic data.

08-0203-0804, (Temp & Prop) Changes first year limited English proficient (LEP) students requirement to take the standard achievement test for math and science; allows language scores on either the Fall or Spring 10th grade ISAT to be used for graduation purposes.

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

5535 W. Overland Road, Boise, ID 83705

10-0101-0801, Rules of Procedure. Updates terminology; exempts a Ph.D degree from an independent evaluation of engineering education obtained outside US; clarifies that Board will not ask another jurisdiction to proctor exams; applicants who fail exam a second or subsequent time must comply with the requirements of HB 380.

10-0102-0801, Rules of Professional Responsibility. Updates terminology; removes ambiguity relating to sealing of documents; allows for Board disciplinary action if a licensee surrenders his license in another jurisdiction for reasons

that violate Idaho laws or rules.

10-0103-0801, Rules of Corner Perpetuation and Filing. Updates terminology; corrects Board's office address; clarifies that the corner record must include a sketch of the marks on a found monument.

10-0104-0801, Rules of Continuing Professional Development. Updates terminology; makes continuing professional development a condition of license renewal for P.E.; revises "self-study," "membership," and "active participation" as qualifying activities for continuing professional development; allows a licensee to opt for a 2-calendar year period of compliance rather than a renewal biennium; exempts a licensee on active duty temporarily assigned to a location other than the normal home station; and exempts professional engineers during their first renewal period or the 2-calendar year period closest to the renewal biennium.

**IDAPA 11 - IDAHO STATE POLICE
700 S. Stratford Dr., Meridian, ID 83643**

IDAHO STATE RACING COMMISSION

11.04.02 - Rules Governing Simulcasting

***11-0402-0801, (*PH)** (Temp & Prop) Chapter repeal.

***11-0402-0802, (*PH)** (Temp & Prop) Chapter rewrite clarifies rules and more closely conforms them to the Association of Racing Commissioners International model rules.

***11-0402-0803, (*PH)** (Temp & Prop) Defines "horse race" and "virtual horse" to promote virtual racing.

***11-0413-0801, Rules Governing the Racing Commission.** (*PH) (Temp & Prop) New chapter aligns rules more closely to the international model rules.

IDAHO PEACE OFFICERS STANDARDS AND TRAINING COUNCIL

11-1101-0801, Rules of the Idaho Peace Officer Standards and Training Council. Changes requirement that a Canine Evaluator applicant's letter of recommendation come from an Idaho POST-certified canine evaluator to an agency administrator; evaluator must evaluate a minimum of four dogs every two years to retain certification; increases the training canine teams must complete to be POST-certified; establishes requirements for POST-certified canine instructors; removes general subjects of detention, dispatch, and K-9 from the list of high liability subjects for Master Instructor certification.

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION
PO Box 25, Boise, ID 83707**

13.01.04 - Rules Governing Licensing

13-0104-0801, Allows a disabled applicant to self-certify that he or she is capable of holding or holding and firing, without assistance from other persons, legal hunting and fishing equipment; redefines 'physician'; streamlines lifetime license application process; allows reasonable accommodations for persons with disabilities in special weapon hunts; corrects citations.

13-0104-0802, Replaces term "handicapped" with "disabled" to be consistent with governing law.

13-0104-0803, Sets outfitter set-aside tags for 2008 seasons; sets outfitter allocation tags proportionate among resident hunters, non-outfitted nonresident hunters, and outfitted hunters; adds separate additional 1,500 white-tail deer nonresident tag quota; considers reducing the elk tag cap for Selway A and B tags for resident and nonresident hunters.

13-0107-0801, Rules Governing the Taking of Upland Game Animals. (Temp & Prop) Updates references to the Disabled Motor Vehicle Hunting Permit.

13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho.

13-0108-0801, Allows hunting of wolves pursuant to seasons set by the Commission.

13-0108-0802, Allows use of "red dot" scopes on crossbows by disabled archers; allows senior and disabled hunters to apply for leftover youth controlled hunt permits; simplifies evidence-of-sex rule to apply only during transportation of a big game carcass to a final place of storage or a Commercial meat processing facility; removes obsolete rules for bighorn sheep hunters.

13-0108-0803, Would allow the use of in-line muzzleloaders in muzzleloader-only hunts.

***13-0108-0804P, (*PH)** Notice of Proclamation establishing seasons and limits for big game hunting.

13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho.

13-0109-0801, Extends youth pheasant hunt season; revises Wildlife Management Area pheasant program hunter-orange rule; increases turkey controlled hunt tags for general and youth only; expands general season youth hunt; corrects terminology and deletes obsolete rules.

***13-0109-0802P**, (*PH) Notice of Proclamation establishing seasons and limits for waterfowl hunting.

***13-0109-0803P**, (*PH) Notice of Proclamation establishing seasons and limits for upland game birds, including turkey.

13.01.11 - Rules Governing Fish

13-0111-0801, Amends the two-pole permit rule to comply with governing law.

13-0111-0802, Sets the 2008-2009 fishing seasons and regional exceptions; removes general 12 inch minimum size limit on bass in North Idaho waters (Salmon River and north); restricts use of live leeches, frogs, salamanders and shrimp as bait; increases maximum size of traps and seines for minnows and crayfish.

***13-0111-0803P**, (*PH) Notice of Proclamation establishing seasons and limits for fishing.

13-0113-0801P**, ***Rules Governing the Taking of American Crow in the State of Idaho. (*PH) Notice of Proclamation establishing seasons and limits for crow hunting in Idaho.

13-0114-0801P**, ***Rules Governing Falconry in the State of Idaho. (*PH) Notice of Proclamation establishing seasons and limits for hunting by falconry in Idaho.

13.01.16 - Rules Governing the Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals.

13-0116-0801, Increases otter harvest quotas in the Magic Valley and Upper Snake Regions; closes beaver trapping on Willow Creek drainage in Units 66 and 69; increases beaver trapping opportunity in the Southeast and Magic Valley Regions; and amends the list of Wildlife Management Areas open to trapping.

***13-0116-0802P**, (*PH) Notice of Proclamation establishing seasons and takes for unprotected species and predator hunting and trapping and hunting of furbearers in Idaho.

13-0117-0801, ***Rules Governing the Use of Bait for Taking Big Game Animals.*** Clarifies the use of bait containers for bear hunting and their required removal at the end of each season.

13-0119-0801, ***Rules for Operating, Discontinuing, and Suspending Vendors.*** Deletes obsolete terminology used in the computerized licensing system and rules concerning reimbursement of telecommunication costs; amends supply ordering rules; requires vendors to provide their own ISP; addresses document cancellation procedures using IWILD system.

13-0120-0801, ***Selection Rules of New Fish and Game License Vendors.*** Simplifies and streamlines application process to improve response time to applicants; reduces active vendor ceiling number.

IDAPA 14 - BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

1109 Main St. Ste. 220, Boise, ID 83702

14-0101-0801, ***Rules of Procedure of the Board of Registration of Professional Geologists.*** (Temp & Prop) Changes the application for registration deadline date to 90 days prior to exam; moves fees and license renewal provisions to new section in rule.

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED
PO Box 83720, Boise, ID 83720-0012**

15-0202-0801, ***Vocational Rehabilitation Services.*** Changes education expenses payments to 90% of actual costs at in-state institutions; changes books and supplies payments to actual costs; increases payments for transportation costs; and increases bioptics to \$900.

DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

15-0401-0801 - Rules of the Division of Human Resources and Idaho Personnel Commission. (Temp & Prop) Numerous changes conform rule to statutory changes; deletes obsolete and redundant definitions and language; updates references to "department" and "administrator"; defines "key employee," "merit increase matrix," and

"military duty"; updates rules on preference, examination and placement on registers of veterans; amends rules on calculation of pay, work hours, bonuses and shift differential; adds moving expense reimbursement; updates sick leave rule and bone marrow and organ donor leave with pay; deletes medical/dental appointment leave, election leave, and earned administrative leave; defines compensable hours and hours worked; and deletes requirement that each agency adopt human resource policies on specified topics.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

16-0224-0801, *Clandestine Drug Laboratory Cleanup*. Clarifies clandestine drug lab cleanup and clearance processes; amends process used by law enforcement for reporting contaminated properties.

***16-0226-0801, *Rules Governing the Idaho Children's Special Health Program*.** (*PH) Adds full range of medical foods to the program-funded PKU diet; reduces fees charged to adult Idahoans with PKU; and switches family sliding fee scale co-pays to a pre-service payment business model.

16-0301-0802, *Eligibility for Health Care Assistance for Families and Children*. (Temp & Prop) Allows wages to be paid by the Census Bureau to low income individuals for temporary employment related to U.S. Census activities without jeopardizing their Medicaid benefits.

16-0303-0802, *Rules Governing Child Support Services*. (Temp & Prop) Implements federal DRA requirement to review at least every 36 months all child support enforcement cases in which recipients also receive Title IV-A (TANF) benefits.

16-0304-0803, *Rules Governing the Food Stamp Program in Idaho*. (Temp & Prop) Removes cap on dependent care expense; increases amounts of allowed assets based on inflation; expands excluded retirement accounts and excludes two new education accounts from asset test; increase minimum food stamp benefit; deletes references to food stamp coupons; rewrites Able Bodied Adults Without Dependents program to restart the 3-year period; clarifies when Department must act upon unemployment insurance information; excludes Individual Development account as a resource.

16-0305-0802, *Eligibility for Aid to the Aged, Blind, and Disabled*. (Temp & Prop) Allows wages to be paid by the Census Bureau to individuals eligible for AABD assistance for temporary employment related to U.S. Census activities without jeopardizing their Medicaid benefits.

16-0308-0803, *Temporary Assistance for Families in Idaho*. Clarifies eligibility requirements for optional and mandatory individuals and the SSN requirement; defines caretaker relative and family unit; modifies immunization requirement; amends resource and income exclusions; removes one-time cash payment option; increases maximum TAFI cash assistance grant amount; and limits number of TAFI cash assistance to one grant per family per month.

16.03.09 - Medicaid Basic Plan Benefits

***16-0309-0801, (*PH)** (Temp & Prop) Provides criteria for eligibility, types of treatment services to be covered, and any limitations for substance abuse services.

16-0309-0802, Clarifies credentialing terminology and credentialing criteria for new and existing providers of mental health clinic services.

16-0309-0803, (*PH) Clarifies which therapy services providers can be enrolled and reimbursed as Medicaid providers and when Medicare certification is required; extends required physician recertification period for a therapy services plan of care; changes to mental health program help minimize duplication and overlap of services, better match mental health benefits to participant's needs, and ensure proper use of resources and service delivery by qualified providers.

16.03.10 - Medicaid Enhanced Plan Benefits

16-0310-0801, (*PH) Changes reimbursement for providers from flat rate to 15-minute increments; ensures participants have a single service coordinator and that providers can't self-refer; modifies time frame for service coordination during the participant's transition from an institution; modifies requirements for assessment and monitoring activities; clarifies provider qualifications and participant eligibility.

16-0310-0802, (*PH) Clarifies how reimbursement rates for nursing facilities are calculated; removes specific dates and refers to the rate base year; factors for determining a distressed facility include an annual review, prospective

application, and a determination on a facility-by-facility basis.

16-0310-0803, (*PH) Changes to mental health program help minimize duplication and overlap of services, better match mental health benefits to participant's needs, and ensure proper resource use and service delivery by qualified providers.

16-0320-0801, Rules Governing Electronic Payments of Public Assistance, Food Stamps, and Child Support. (Temp & Prop) Increases the period for cash assistance to match that for food stamps; changes process of issuing electronic payment (EP) cards and replaces EP cards with branded cards, such as Visa, for child support recipients.

***16-0322-0801, Residential Care or Assisted Living Facilities in Idaho.** (*PH) Allows termination of services when charges increase without notice or when a resident's condition requires added services that increase costs; provides documentation requirements for pricing and billing; allows ala carte billing of basic services and supplies for private pay residents; provides other consumer protection information to residents.

***16-0416-0801, Rules Governing the Department of Energy Administration Weatherization Program.** (*PH) Chapter repeal.

***16-0416-0802, Weatherization Assistance Program in Idaho.** (*PH) Chapter rewrite updates eligibility criteria and removes outdated income tables and limitations; aligns allowable expenditures; updates current standards and techniques of weatherization materials and methods; aligns service delivery rules with current practice for labor and monitoring, including the addition for energy audits, weatherization material standards, and lead safety activities for homes where needed; updates definitions and changes chapter name.

NEGOTIATED RULEMAKING MEETINGS ARE SCHEDULED FOR THE FOLLOWING:

IDAPA 02 - Department of Agriculture

02-0613-0801, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho.

Please refer to the Idaho Administrative Bulletin, **October 1, 2008, Volume 08-10** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

To view the Bulletin or Code or for information on purchasing the Bulletin and other rules publications, visit our website at www.idaho.gov/adm/adminrules/ or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306.